

PATENT
514413-3866

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants Hacker et al.

Serial No. 09/762,694

Filed April 6, 2001

For **HERBICIDAL COMPOSITIONS FOR TOLERANT OR
RESISTANT SUGAR BEET CROPS**

Examiner : S. Mark Clardy

Group Art Unit : 1616

Confirmation No. : 7835

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I hereby certify that this correspondence is being deposited with
the United States Postal Service as first class mail in an envelope
addressed to: Assistant Commissioner for Patents, Washington,
DC 20231, on May 24, 2002.

Mark W. Russell, Esq., Reg. No. 37,514

Name of Applicant, Assignee or Registered Representative

Mark W. Russell
Signature

May 24, 2002

Date of Signature

COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Communication mailed on April 27, 2002, Applicants request
that the Patent Office charge any fees associated with the Amendment filed on March 25, 2002
to Deposit Account 50-0320.



On May 3, 2002 Applicants received a Communication, dated April 27, 2002, which indicated that the Amendment, filed on March 25, 2002, was not entered "since applicant has failed to remit (or authorized charge to a Deposit Account) the fee as indicated on the attached Patent Application Determination Record." The Communication then set forth the balance for the additional claims.

Applicants do not understand this statement. On page 12 of the Amendment it is stated:

Pursuant to the provisions of 37 CFR 1.136(a), Applicants petition the Assistant Commissioner to extend the time period to respond to the outstanding Amendment by three (3) months. A check for \$920.00 is enclosed to cover the cost of this petition. **Should any additional fee be due, the Assistant Commissioner is authorized to charge such fee, or credit any overpayment, to Deposit Account No. 50-0320.**

(emphasis added). Thus, the Amendment authorized to charge any deficiency to a deposit account and the Communication was erroneously issued.

On May 3, 2002, the undersigned telephoned Ms. Gray in order to explain why he believes that the Communication was erroneously issued and to confirm that Ms. Grey may charge the above-identified deposit account. As Ms. Gray did not answer, the undersigned left a message indicating that the Communication was erroneously issued and authorizing Ms. Grey to charge the deposit account. The undersigned also left a telephone number.

Unfortunately, the Patent Office has never returned the telephone call or indicated whether the Amendment has now been entered. In view of the fact that the one month due date is quickly approaching, the undersigned is filing this Communication in order to respond to the due date.




Entry of the Amendment so that prosecution may continue is earnestly requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

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